

Outlawing Lolita: Testing the Constitutionality and Practicality of the “Victimless” Provisions of the Anti-Child Pornography Act of 2009

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SUBJECT(S): ANTI-CHILD PORNOGRAPHY ACT OF 2009

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Pedophilia has always been considered taboo in modern society, especially because the involvement of innocent children in sexual activities is absolutely chilling to the human psyche. With the emergence of the Internet as a widely used tool for almost any matter, the problems concerning abuse and sexual exploitation of children have been magnified into an unimaginable size. This Comment will thus examine the laws that aim to combat these serious acts, specifically the Anti-Child Pornography Act of 2009.

In examining the said law, the Author first provides a brief explanation regarding the popularity of the Internet as well as the so-called “Lolita Syndrome” in the World Wide Web. The Author then discusses the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography as a preliminary step to understanding the gravity of the issues.

Subsequently, the Author discusses the process by which the Anti-Child Pornography Act of 2009 went through as a bill in Congress. The Author, thereafter, examines the legislative intent and gives certain definitions in order to show the delineation of the scope of the law.

The issue is next presented, concerning the “victimless” provisions of the said law as illustrated by certain provisions of such law. The Author then presents American as well as Philippine jurisprudence showcasing the development of anti-pornography laws both in the Philippines and in the United States. Several concepts are thus discussed, including the *Miller* test, the difference between virtual and actual child pornography, and the varying definitions of a “Child.”

In the end, the Author, after examining all the relevant laws and jurisprudence on the matter, points to the weakness of the Anti-Child

Pornography Act of 2009, namely, that of having victimless provisions which are to some degree antithetical to established laws and jurisprudence.